



Department of Corrections

# INTERNAL MANAGEMENT POLICY & PROCEDURE

**Applicability:** ☒ ADULT Operations Only    ☐ JUVENILE Operations Only    ☐ DEPARTMENT-WIDE

IMPP #: 20-101A

PAGE #: 1 of 5

**RESTRICTIVE HOUSING: Minimum Standards for the Operation of Restrictive Housing Units**

Original Date Issued: 03-10-21    Replaces IMPP Issued: N/A    **CURRENT EFFECTIVE DATE: 04-09-21**

Approved By: , Secretary

Next Scheduled Review: April 2022

## POLICY

In order to ensure the humane and effective treatment of special management residents, minimum standards are established with regard to the operation and maintenance of restrictive housing units. Additionally, minimum standards are to apply to the manner in which residents are fed, clothed, housed, and dealt with on a daily basis. The provisions of this IMPP are to apply to disciplinary and administrative restrictive housing alike.

## DEFINITIONS

None.

## PROCEDURES

### **I. Related Policies**

- A. The possession and acquisition of personal property by residents is to be in accordance with IMPP 12-120A Control of Resident Personal Property.
- B. The basic operations (e.g., placement of residents, filing of reports, etc.) is to be in accordance with IMPP 20-105A Basic Operations of Administrative Restrictive Housing.

### **II. Diet and General Housing Considerations**

- A. Each resident is to receive daily at least 2,800 calories of food from the normal diet of resident not in restrictive housing.
  - 1. The noon meal provided to residents in restrictive housing may consist of the approved sack lunch as established in the department-wide standardized menu and approved by the licensed dietician to meet the daily caloric requirements.
- B. Each cell in which a resident is confined in restrictive housing must, whenever possible, be at least as large as other cells in the facility and must be adequately lighted during the daylight hours.
  - 1. All of the necessities of civilized existence, including toilet, bedding and water for drinking and washing are to be provided.
    - a. If any of these necessities are removed temporarily, that removal must be only to prevent suicide or self-destructive acts, or damage to the cell and its equipment, or to other persons.
  - 2. Each resident is to have the opportunity to shave and shower at least three (3) times per week unless this would present a clear security hazard as determined by the warden or designee.

3. Barbering services may be sought every 30 days.
4. The procedure for issue and exchange of clothing, bedding, and linen, is to be as frequent and of the same quality as for the general population unless an exception is found necessary by the senior officer on duty.
  - a. Such an exception must be recorded in the log and justified in writing.
- C. All residents in restrictive housing are to be provided clothing that is not degrading, and access to basic personal items for use in their cells, unless there is imminent danger that a resident or any other resident might destroy an item or induce self-injury.
  1. Residents confined in restrictive housing must not be deprived of normal body clothing except for the residents' own protection.
    - a. If such a deprivation is temporarily necessary, the resident must be provided with body clothing and bedding adequate to protect the resident's health, depending on air temperature and other conditions in the cell.
- D. Residents are to be allowed to clean their cell and windows with mop, toilet brush, cloth and appropriate disinfectant every seven (7) days. The cell may be cleaned more often if a resident is moved to/from the cell.

### **III. Availability of Legal Counsel, Placement, and Access to Medical Care**

- A. If a resident is confined under conditions of emergency or for the residents own protection, or that of personnel or other residents, the confinement must not be continued for longer than is necessary for the emergency.
- B. A resident's right to communicate with an attorney or a person or agency designated to receive complaints must not be interfered with.
- C. A resident must not be placed in restrictive housing without the approval of the highest ranking officer on duty at the time unless there is a serious emergency or major disturbance.
  1. In such a case, the procedure in IMPP 20-105A as it relates to certain placements within administrative restrictive housing must be followed.
- D. No resident is to be kept in restrictive housing, for any reason, for longer than 24 hours without being examined by a medical doctor, or other medical personnel under the doctor's supervision.
  1. The resident is to be observed once a week thereafter and examined if deemed necessary.
  2. Any medication prescribed for a resident must be provided for that resident.

### **IV. Mail, Visitation, Access to Telephones, Availability of Legal and Reading Materials, and Opportunities to Exercise**

- A. Each resident in restrictive housing is to be provided with the same opportunities for writing and receiving letters as provided to the general population.
- B. Visitation is to be allowed once every 30 days unless there are substantial reasons for withholding the privilege.
  1. If possible, the resident is to be given an opportunity to notify visitors of any restrictions before the visitors arrive.
- C. Telephone privileges are to be granted once every seven (7) days for 20 minutes.

1. Restrictions placed on disciplinary restrictive housing residents may differ from those placed on administrative restrictive housing residents.
- D. Each restrictive housing resident is to have access to legal materials.
- E. Each restrictive housing resident is to have access to reading materials.
- F. Each resident confined in disciplinary or administrative restrictive housing are allowed to exercise outside the cell, if desired, for at least one (1) hour per day and at least five (5) days per week unless security, health, or safety considerations dictate otherwise.
  1. Except as provided herein, weather permitting, restrictive housing residents are permitted to exercise outdoors, for four (4) of the five (5) days, to the extent that facilities and staff are available to maintain basic security for those residents.
    - a. Exercise on the indoor day is to be provided in an area outside a resident's own cell.
    - b. If a resident is to be held in restrictive housing status at a facility for a period of five (5) days or less, outdoor exercise is not required.
  2. When limitations on normal exercise are necessary, alternatives are to be explored to provide adequate exercise to maintain health.
  3. A resident may be required to remain in the cell and be allowed, at a resident's own discretion, to exercise in the cell if:
    - a. A substantial security risk for the resident is documented; and,
    - b. A set of exercises is approved for the resident, by a doctor or physical fitness professional, as being adequate for the maintenance of health and capable of being accomplished within the physical limitations imposed by the cell interior.
    - c. If while in restrictive housing status a resident has threatened or battered staff or has possessed dangerous contraband, the resident's out of cell exercise may be suspended for up to 30 days provided that a set of exercises pursuant to subsection III.F.3.b. has been identified.
- G. Property is limited to only that allowed in Attachment J of IMPP 12-120A.
  1. As an incentive of program participation, wardens may approve limited increases in property allowance of food items in a general order.
  2. If a resident is transferred to another facility, property is to be reduced back down to the IMPP allowance.

**V. Access to Programs and Services and Staff Visits to Restrictive Housing Units**

- A. Administrative restrictive housing residents must have reasonable access to programs and services including, but not limited to, educational services, commissary services, library services, social services, counseling services and religious guidance.
- B. The unit manager of a restrictive housing unit or the unit manager's designee is to make daily rounds in the restrictive housing unit to each cell. In the absence of the unit manager and/or his/her designee, the shift supervisor or the supervisor's designee must make these daily rounds.
- C. In addition to the daily rounds specified in Section IV.B. above, a qualified health care professional must visit the restrictive housing unit at least once per day, unless more frequent medical attention is needed. For purposes here, routine visits by qualified health care staff to administer or distribute medication must minimally satisfy this requirement.

- D. Restrictive housing residents are allowed to receive visits from members of the program staff on reasonable request.
- E. A shift captain or designee is to visit each cell of the unit during each shift.
- F. Log entries, as set out within the provisions of Section V. of this IMPP, must document all visits to a restrictive housing unit.

#### **VI. Documentation of Service Delivery and Visits to Restrictive Housing Units**

- A. A permanent log in a bound book must be maintained at or near the restrictive housing cells, and employees in charge of these cells are responsible for recording all admissions, releases, indicators of health and medical condition, clothing and bedding restrictions, food intake, visits to cells and other events, including those of a routine nature.
- B. A weekly report must be made to the Secretary of Corrections giving the following data for restrictive housing residents:
  - 1. Name of resident;
  - 2. Race or ethnic origin;
  - 3. Type of, and reason for, restrictive housing;
  - 4. Length of time in restrictive housing; and
  - 5. Health and medical condition.
- C. If the resident is deprived of any usually authorized item or activity, a report of this action must be made for the resident's file and forwarded to the warden or the deputy in charge of security.
  - 1. This report must be in addition to the notation in the log required by procedure V.A. of this IMPP.

#### **VII. Disciplinary Procedures**

- A. All applicable provisions and requirements of the disciplinary procedure set forth within K.A.R. 44-13-101 et. seq. applies to residents housed in a restrictive housing unit.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff, and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents or offenders, or an independent duty owed by the Department of Corrections to employees, residents, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure are not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS**

<b><u>Name/Type of Report</u></b>	<b><u>By Whom/To Whom</u></b>	<b><u>Due</u></b>
Weekly Restrictive Housing Report	Warden/Secretary of Corrections	Weekly

## **REFERENCES**

KSA 75-5210, 75-5251, 75-5252

IMPP 12-120A, 20-105A

ACI 3-4238, 3-4246, 3-4248, 3-4249, 3-4251, 3-4253, 3-4254, 3-4255, 3-4256, 3-4257, 3-4258, 3-4259, 3-4260, 3-4261, 3-4237

## **HISTORY**

None.

## **ATTACHMENTS**

None.